

W. Todd Miller (Admitted *Pro Hac Vice*)  
 BAKER & MILLER PLLC  
 2401 Pennsylvania Ave, NW  
 Suite 300  
 Washington, DC 20036  
 Telephone: 202-663-7820  
 Facsimile: 202-663-7849  
 Email: TMiller@bakerandmiller.com

Michael Bertram McNaughton (Bar No. 168244)  
 HANSON BRIDGETT LLP  
 425 Market Street  
 26th Floor  
 San Francisco, CA 94105  
 Telephone: 415.777.3200  
 Facsimile: 415.541.9366  
 Email: mmcnaughton@hansonbridgett.com

*Counsel for Defendant Qantas Airways Limited*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

**IN RE TRANSPACIFIC PASSENGER  
 AIR TRANSPORTATION  
 ANTITRUST LITIGATION**

**No. 07-CV-5634-CRB**

**MDL No. 1913**

**STIPULATION AND [PROPOSED]  
 ORDER SETTING BRIEFING  
 SCHEDULE FOR  
 DEFENDANTS' SUMMARY  
 JUDGMENT MOTIONS BASED ON  
 THE FILED RATE DOCTRINE AND  
 MODIFYING THE SCHEDULE FOR  
 BRIEFING ON CLASS  
 CERTIFICATION**

**This Document Relates to:**

**ALL ACTIONS**

The parties to the within action hereby agree and stipulate as follows:

WHEREAS, Air New Zealand Ltd., Cathay Pacific Airways Ltd., China Airlines, Ltd.

1 EVA Airways Corp., Philippine Airlines, Inc., Qantas Airways Limited, Singapore Airlines  
2 Limited and Thai Airways International filed a joint brief for summary judgment based on the  
3 Filed Rate Doctrine on September 10, 2013 (Doc. 728);

4 WHEREAS, All Nippon Airways Co., Ltd. (Doc. 724), Cathay Pacific Airways Ltd.  
5 (Doc. 725), and China Airlines, Ltd. (Doc. 731), have filed individual motions for summary  
6 judgment and supporting briefs based on the Filed Rate Doctrine on September 10, 2013;

7 WHEREAS, Air New Zealand, EVA Airways, Philippine Airlines, Qantas Airways  
8 Limited, Singapore Airlines and Thai Airways International each plan to file motions for and  
9 individual briefs in support of summary judgment based on the Filed Rate Doctrine within the  
10 next three weeks;

11 WHEREAS, Plaintiffs have served notices of deposition pursuant to the Federal Rules of  
12 Civil Procedure for certain of the declarants supporting the motions filed to date, and intend to  
13 serve notices of depositions for declarants proffered in support of any additional motions which  
14 are filed;

15 WHEREAS, both Defendants and Plaintiffs (“the Parties”) believe it would be more  
16 efficient for the Court to decide Defendants’ summary judgment motions based on the Filed Rate  
17 Doctrine prior to the briefing of any motion for class certification;

18 WHEREAS, the Parties agree that the deadline for close of fact discovery on January 31,  
19 2014, shall not be affected by this Stipulation; and

20 WHEREAS, the time differentials between the deadlines for filing a motion for class  
21 certification, opposition thereto, the reply, and any sur-reply shall remain consistent with the  
22 previous Order entered by the Court on August 30, 2013 (Doc. 720);

23 NOW THEREFORE, the Parties agree and stipulate as follows:

24 1. To extend Plaintiffs’ time to respond to all of the Defendants’ motions for summary  
25  
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28

1 judgment based on the Filed Rate Doctrine to 60 days after Defendants' counsel notify Plaintiffs  
 2 via e-mail that all of the summary judgment motions that Defendants intend to file based on the  
 3 Filed Rate Doctrine have in fact been filed; such time to be moderately adjusted by agreement of  
 4 the Parties should the deadline for Plaintiffs' response as set by this Paragraph fall near any  
 5 major holidays, in which case the Court will be notified of the agreed-upon, adjusted response  
 6 date;  
 7

8 2. Defendants may submit and file replies in further support of their motions for summary  
 9 judgment based on the Filed Rate Doctrine within 45 days after Plaintiffs' response to those  
 10 motions is filed, or January 30, 2014, whichever date is later;  
 11

12 3. The time by which Plaintiffs may submit their brief and any related expert report(s) in  
 13 support of a motion for class certification shall be extended to 90 days after this Court issues an  
 14 Order deciding Defendants' motions for summary judgment based on the Filed Rate Doctrine;  
 15

16 4. The time by which Defendants may submit their briefs in opposition to Plaintiffs'  
 17 motion for class certification and any related expert report(s) shall be extended to 180 days after  
 18 Plaintiffs file their brief in support of class certification;  
 19

20 5. Plaintiffs' reply brief and any reply expert report(s) in further support of their motion  
 21 for class certification shall be due 60 days after Defendants file their briefs in opposition; and  
 22

23 6. Defendants' sur-replies and further expert report(s) in further opposition to Plaintiffs'  
 24 motion for class certification shall be due 60 days after Plaintiffs file their reply brief.<sup>1</sup>  
 25

26 7. Any party may seek a continuance of the dates set forth in this Stipulation and  
 27 [Proposed] Order for good cause shown.  
 28

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<sup>1</sup> This date shall apply only if Defendants move the Court for leave to file a sur-reply and the Court grants such a motion.

1 **SO STIPULATED:**

2 **September 24, 2013**

3  
4 By: /s/ Christopher Lebsack

**HAUSFELD, LLP**

5 Michael D. Hausfeld

6 Michael P. Lehmann

7 Christopher Lebsack

*Interim Co-Lead Counsel for Plaintiffs*

8  
9 By: /s/ Steven N. Williams

**COTCHETT, PITRE & McCARTHY**

10 Joseph W. Cotchett

11 Steven N. Williams

*Interim Co-Lead Counsel for Plaintiffs*

12  
13  
14 By: /s/ Michael J. Holland

**CONDON & FORSYTH LLP**

15 Michael J. Holland

16 Jean Cooper Rose

*Counsel for Defendant Air New Zealand*

17  
18  
19 By: /s/ William R. Sherman

**LATHAM & WATKINS LLP**

20 William R. Sherman

21 Ashley Bauer

*Counsel for Defendant Singapore Airlines Ltd.*

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By: /s/ Ankur Kapoor

**CONSTANTINE CANNON LLP**

Douglas E. Rosenthal

Ankur Kapoor

Alysia A. Solow

Gary J. Malone

*Counsel for Defendant All Nippon Airways Co., Ltd.*

By: /s/ Jesse W. Markham, Jr.

Jesse W. Markham Jr.

*Counsel for Defendant All Nippon Airways Co., Ltd.*

By: /s/ David H. Bamberger

**DLA PIPER LLP**

David H. Bamberger

Deana L. Cairo

*Counsel for Defendant Cathay Pacific Airways*

By: /s/ James V. Dick

**SQUIRE SANDERS & DEMPSEY, LLP**

James V. Dick

*Counsel for Defendant China Airlines*

By: /s/ Tammy A. Tsmoumas

**KIRKLAND & ELLIS LLP**

Tammy A. Tsmoumas

*Counsel for Defendant EVA Airways*

*Counsel for Defendant Qantas Airways Limited*

*Counsel for Defendant Philippine Airlines*

*Counsel for Defendant Thai Airways International  
Public Company Limited*

**DATED: September\_\_\_\_, 2013**

Hon. Charles R. Breyer  
United States District Judge